THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.25255 OF 2005

Dt.28.11.2005

Between:

M/s.Sri Manjunatha Agro Tech.Agencies,

Proddatur, Kadapa District and 2 others. … Petitioners

And

Government of Andhra Pradesh, rep.

By its Principal Secretary, Agriculture and

Cooperation (Marketing) Department,

Secretariat, Hyderabad and 27 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel appearing on behalf of the respondents.

The learned counsel for the petitioners submits that the subject matter of this writ petition is squarely covered by the judgment of this Court in W.P.No.13527 of 2004 and batch dated 8.2.2005.

On the other hand, the learned counsel for the respondents submits that it is not a case where the petitioners have obtained the necessary authorization for undertaking Processing of Certified Seed Lots from the competent authority.

The learned counsel for the petitioners submits that the first petitioner has obtained licence to carry on the business as a dealer in seeds vide licence No.25/2004-05 dated 9.7.2004 valid up to 8.7.2007 from the licensing authority/Joint director of Agriculture, Cuddapah and accordingly obtained proceedings in No.SCA/402/2003-2004 dated

12.3.2004 valid up to 31.12.2006 for authorization for Processing Plant and assigned Code No.695(P). Similarly, 2nd and 3rd petitioners were also assigned Code numbers.

Having regard to the facts and circumstances of the case, following the judgment of this Court in W.P.No.13527 of 2004 and batch dated 8.2.2005, this writ petition is disposed of with the following directions:

a. Seeds developed and manufactured by the petitioners and sold as certified or labelled seeds, are not subject to levy of market fee, and the demand notices issued therefor are set aside.

b. Vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act 1966, and are not subject to levy of market fee.

c. Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as is not sold and used as seed, shall be liable to be levied the market fee. For this purpose, the Executive Heads of the Market Committees shall be entitled to require the Seed Manufacturers, operating within the notified area, to furnish the relevant particulars and take consequential steps.

The writ petition is disposed of accordingly. No costs.

(V.ESWARAIAH, J.)

28.11.2005

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